

1705491 - Court-A - U.S.
MATTHEW SCHMIDT FOR LOJTO
THE LAW OFFICES OF JOHN T. ORCUTT
6616-203 SIX FORKS RD
RALEIGH, NC 27615

IN RE
AUDREA LYNN CLARK
6532 PACIFIC AVENUE

FAYETTEVILLE, NC 28314
SSN or Tax I.D. XXX-XX-8155

U.S. Bankruptcy Court
P.O. Box 791
Raleigh, NC 27602

Chapter 13
Case Number: 17-05491-5-JNC

NOTICE OF MOTION FOR CONFIRMATION OF PLAN

Joseph A. Bledsoe, III , Chapter 13 Trustee has filed papers with the Court to Confirm the Chapter 13 Plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the Motion For Confirmation Of Plan, or if you want the court to consider your views on the motion, then on or before 11/01/2019 , you or your attorney must file with the court, pursuant to Local Rule 9013-1 and 9014-1, a written response, an answer explaining your position, and a request for hearing at:

U.S. Bankruptcy Court
PO Box 791
Raleigh, NC 27602

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also mail a copy to debtor(s), debtor(s) attorney and trustee at the following addressses:

Debtor(s):
AUDREA LYNN CLARK
6532 PACIFIC AVENUE
FAYETTEVILLE, NC 28314

Attorney:
MATTHEW SCHMIDT FOR LOJTO
THE LAW OFFICES OF JOHN T. ORCUTT
6616-203 SIX FORKS RD
RALEIGH, NC 27615

Trustee:
Joseph A. Bledsoe, III
P.O. Box 1618
New Bern, NC 28563

If a response and a request for hearing is filed in writing on or before the date set above, a hearing will be conducted on the motion at a date, time and place to be later set and all parties will be notified accordingly.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: October 01, 2019

Joseph A. Bledsoe, III
Chapter 13 Trustee
P.O. Box 1618
New Bern, NC 28563

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
FAYETTEVILLE DIVISION**

IN RE:

CASE NUMBER: 17-05491-5-JNC

AUDREA LYNNE CLARK

CHAPTER 13

DEBTOR(S)

**MINUTES OF 341 MEETING AND
MOTION FOR CONFIRMATION OF PLAN**

NOW COMES the Trustee in the above referenced Chapter 13 case moving the Court for an Order confirming the Plan in the case and, in support, of said Motion, says unto the court:

1. That the debtor(s) appeared at the meeting of creditors, as required by 11 U.S.C. § 341 and submitted to an examination under oath by the Trustee on December 13, 2017, or has supplied answers to written interrogatories;
2. The debtor(s) has/have complied with all requirements of 11 U.S.C §521 (a) (1) (B) and Interim Bankruptcy Rules 1007 and 4002 (b), as modified and adopted by this Court, and this case has not been dismissed, nor is it subject to dismissal, under 11 U.S.C. §521 (i);
3. That there are no pending objections to confirmation or other filings or pleadings that would impede the confirmation of the Plan in this case;
4. That the trustee has reviewed the schedules and relative information in the debtor(s) petition and has made a determination of the disposable income for the debtor(s) in this case. The calculation of disposable income impacts what, if any, dividend will be received by unsecured creditors. The debtor(s) plan provides for payments of:

\$1,851.00	for	2	Months
\$1,865.00	for	18	Months
\$1,975.00	for	40	Months
	for		Months

5. That the liens of creditors which will not be paid in full during the term of the Plan or which are to be paid directly by the debtor(s) are not affected by the confirmation of this plan;
6. Generally, and subject to orders entered hereafter by the Court, any proof of claim that is not filed on or before March 13, 2018 ("Bar Date") shall be disallowed. Claims of governmental units, proofs of which are not filed before May 7, 2018 ("Government Bar Date") shall be disallowed;
7. That the claims of secured creditors shall be paid as secured to the extent of the claim or to the extent of the value of the collateral as set out below:

a. Claims to be paid directly by the Debtor:

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
#011 Cumberland Co Tax	Tax lien	Outside

b. Continuing Long Term Debts to be paid by the Trustee:

IF A PROOF OF CLAIM IS TIMELY FILED the claim is to be paid on a monthly basis according to the terms of the contract effective the first month after confirmation. Arrearages, if any, are to be paid over the life of the plan. Two post-petition contractual payments shall be included in the administrative arrearage claim. **The Debtor is to resume direct payments upon completion of plan payments.**
(SEE PARAGRAPH 8 BELOW)

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
#800 US Bank Trust	Residence	Contractual payment in the amount of \$798.13 for 11 months followed by \$834.95 for 47 months to be paid by Trustee effective with the February 2018 payment
#801 US Bank Trust	Residence administrative arrears claim	\$1,596.26 to be paid over life of plan by Trustee (December 2017 and January 2018 payments)
#802 US Bank Trust	Residence pre-petition arrears	\$10,144.17 to be paid over life of plan
#803 US Bank Trust	Mortgage fees	\$250.00 to be paid over life for plan

c. Claims paid to extent of claims as filed (no cramdown):

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
#004 Barefoot Furniture	Household goods	\$512.00 @ 6.25% to be paid over life of plan

d. Claims paid to extent of value:

<u>Creditor</u>	<u>Collateral</u>	<u>Present Value</u>	<u>Repayment Rate/Term</u>
#009 JPMorgan Chase	'16 Mazda 6	\$21,825.00 secured \$9,390.75 unsecured	6.25% to be paid over life of plan

#018 Americredit	'14 Mazda 3	\$12,425.00 secured	6.25% to be paid over
		\$4,988.97 unsecured	life of plan

Pursuant to Local Rule 3070-1(b) some secured creditors may be entitled to pre-confirmation adequate protection payments.

8. **LONG TERM RESIDENTIAL MORTGAGE CLAIMS** shall be paid in a manner consistent with Local Rule 3070-2.
9. That the following creditors have filed secured proofs of claims but, due to the value placed on the collateral, the claims will be treated as unsecured and paid along with other unsecured claims. With respect to claims listed below for which the terms of repayment are listed as "Surrender," upon entry of an Order confirming the plan, as modified by this Motion, the automatic stay of §362(a) and the automatic co-debtor stay of §1301 shall thereupon be lifted and modified with respect to such property "for cause" under §362(a)(1), as allowed by Local Rule 4001-1(b).

NONE

Reference herein to "Direct" or "Outside" or similar language regarding the payment of a claim under this plan means that the debtor(s) or a third party will make the post-petition payments in accordance with the contractual documents which govern the rights and responsibilities of the parties of the transaction, including any contractual modifications thereof, beginning with the first payment that comes due following the order for relief;

10. That the treatment of claims indicated in paragraphs 7 and 9 above, are based on information known to the Trustee at the time of the filing of this Motion. The treatment of some claims may differ from that indicated if subsequent timely filed claims require different treatment;
11. That the following executory contracts and unexpired leases shall be either assumed or rejected as indicated below:

<u>Creditor</u>	<u>Property Leased/Contracted For</u>	<u>Treatment</u>
#001 Allstate Security	Security alarm	Assume
#003 American Home Shield	Home warranty	Assume

12. That priority claims shall be paid in full over the term of the Plan;
13. That confirmation of this Plan will be without prejudice to pending Motions For Relief From the Automatic Stay and will be without prejudice to objections to claims and avoidance actions;
14. That confirmation of the Plan vests all property of the estate in the debtor(s);
15. That the attorney for the debtor(s) is requesting fees in the amount of \$4,950.00. The Trustee recommends to the Court a fee of \$4,950.00. If the recommended fee is different from that requested an explanation can be found in Exhibit 'A'.

s/ Joseph A. Bledsoe, III
Joseph A. Bledsoe, III
Standing Chapter 13 Trustee

EXHIBIT 'A'**CASE NUMBER: 17-05491-5-JNC****DEBTORS: AUDREA LYNNE CLARK****EMPLOYMENT:**

Debtor: WOMACK ARMY MEDICAL GROSS INCOME: \$77,947.68
 CENTER / PENSION / SUPPORT
 PAYMENTS / CAPE FEAR VALLEY
 MEDICAL CENTER

Spouse:

Prior Bankruptcy cases: Yes ☒ No ☐ If so, Chapter 13 filed 09/29/10

Disposition: DISCHARGED 02/05/15

Real Property: House and Lot ☒ Mobile home ☐ Lot/Land ☐ Mobile Home/Lot ☐

Description: RESIDENCE

FMV \$118,300.00

Date Purchased

Liens \$97,500.81

Purchase Price

Exemptions \$20,799.19

Improvements

Equity \$ 0.00

Insured For

Rent

Tax Value

COMMENTS:**Attorney** Requested: \$4,950.00 (excluding filing fee)**Fees:** Paid: \$0.00 (excluding filing fee)

Balance: \$4,950.00

Trustee's Recommendation: \$4,950.00

Comments:

Plan Information:

<u>Plan Information:</u>		<u>After 341</u>		<u>Payout % After 341</u>	
Total Debts	\$129,283.22	Pay in	\$116,272.00	Priority	100.00%
Priority	\$7,094.80	Less 6.00%	\$6,976.32	Secured	100.00%
Secured	\$101,674.11	Subtotal	\$109,295.68	Unsecured	3.00%
Unsecured	\$20,514.31	Req. Atty. Fee	Incl. w/ claims	Joint	%
Joint Debts		Available	\$109,295.68	Co-Debts	%
Co-Debtor					

Payroll Deduction: Yes ☒ No ☐**Objection to Confirmation:** Yes ☒ No ☐

Pending: SEE COURT DOCKET

Resolved: SEE COURT DOCKET

Motions Filed: Yes ☐ No ☒

If so, indicate type and status: SEE COURT DOCKET

Hearing Date:

CERTIFICATE OF MAILING

0015

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CASE: 1705491 TRUSTEE: 2V COURT: 278
 TASK: 09-30-2019.01233247.LSA000 DATED: 10/01/2019

Court Served Electronically

Trustee	Joseph A. Bledsoe, III	P.O. Box 1618 New Bern, NC 28563
Debtor	AUDREA LYNNE CLARK	6532 PACIFIC AVENUE FAYETTEVILLE, NC 28314
799	000002 MATTHEW SCHMIDT FOR LOJTO 6616-203 SIX FORKS RD	THE LAW OFFICES OF JOHN T. ORCUTT RALEIGH, NC 27615
019	000012 INTERNAL REVENUE SERVICE PO BOX 7346	ATTN: OFFICER PHILADELPHIA, PA 19101-7346
019	000044 INTERNAL REVENUE SERVICE PO BOX 7346	ATTN: OFFICER PHILADELPHIA, PA 19101-7346
031	000034 US ATTORNEY'S OFFICE SUITE 800, FEDERAL BLDG	950 PENNSYLVANIA AVE NW WASHINGTON, DC 20530
008	000018 PORTFOLIO RECOVERY ASSOCIATES, LLC PO BOX 41067	ATTN: OFFICER NORFOLK, VA 23541
016	000030 FIRST POINT COLLECTION RESOURCES CHAPTER 13 BANKRUPTCY	225 COMMERCE PLACE GREENSBORO, NC 27402
030	000035 U S ATTORNEY'S OFFICE STE 800 FEDERAL BLDG	310 NEW BERN AVE RALEIGH, NC 27601-1461
029	000033 STATE OF NORTH CAROLINA P O BOX 629	C/O NC DEPARTMENT OF JUSTICE RALEIGH, NC 27602-0629
022	000014 NC DEPT OF REVENUE PO BOX 1168	ATTN: OFFICER /ANGELA C FOUNTAIN BR RALEIGH, NC 27602-1168
022	000043 NC DEPT OF REVENUE PO BOX 1168	ATTN: OFFICER /ANGELA C FOUNTAIN BR RALEIGH, NC 27602-1168
020	000013 JOHN T ORCUTT 6616-203 SIX FORKS RD	ATTORNEY AT LAW RALEIGH, NC 27615-0000
024	000023 OPTIMUM OUTCOMES	PO BOX 58015 RALEIGH, NC 27658
028	000011 SHAPIRO & INGLE, LLP CHAPTER 13 BANKRUPTCY	10130 PERIMETER PARKWAY, STE. 400 CHARLOTTE, NC 28216
034	000039 SHAPIRO & INGLE, LLP CHAPTER 13 BANKRUPTCY	10130 PERIMETER PARKWAY, STE. 400 CHARLOTTE, NC 28216
026	000025 PINEHURST MEDICAL CLINIC	PO BOX 63289 CHARLOTTE, NC 28263-3289
007	000017 CAPE FEAR VALLEY HEALTH SYSTEM	PO BOX 788 FAYETTEVILLE, NC 28302
011	000005 CUMBERLAND CO TAX COLLECTOR	PO BOX 449 FAYETTEVILLE, NC 28302-0449
012	000006 CUMBERLAND CO TAX COLLECTOR	PO BOX 449 FAYETTEVILLE, NC 28302-0449
014	000027 DR. RAKESH PARICKH	1205 WALTER REED RD FAYETTEVILLE, NC 28304
027	000026 PINNACLE FAMILY CARE	3625 CAPE CENTER DR FAYETTEVILLE, NC 28304
001	000036 ALLSTATE SECURITY	PO BOX 65576 FAYETTEVILLE, NC 28306
005	000015 CAPE FEAR FLOORING	2731 HOPE MILLS RD FAYETTEVILLE, NC 28306

CERTIFICATE OF MAILING

CASE: 1705491 TRUSTEE: 2V COURT: 278
 TASK: 09-30-2019.01233247.LSA000 DATED: 10/01/2019

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004	000003	BAREFOOT FURNITURE CO	1708 CLINTON RD FAYETTEVILLE, NC 28312
006	000016	CAPE FEAR ORTHOPAEDIC CLINIC SUITE 801	4140 FERNCREEK DR FAYETTEVILLE, NC 28314
023	000022	NGOZIKA DAKA, DMD, PA	4155 FERNCREEK DR STE 101 FAYETTEVILLE, NC 28314
010	000019	LVNV FUNDING, LLC / FNBM, LLC PO BOX 10587	RESURGENT CAPITAL SERVICES GREENVILLE, SC 29603-0587
003	000037	AMERICA HOME SHIELD	PO BOX 2803 MEMPHIS, TN 38101
033	000038	SYNCHRONY BANK PO BOX 41021	C/O PRA RECEIVABLES MANAGEMENT, LLC NORFOLK, VA 41021
015	000021	FFCC COLUMBUS INC.	1550 OLD HENDERSON RD, STE 5100 COLUMBUS, OH 43220-3626
017	000031	FRONTLINE ASSET STRATEGIES, LLC SUITE 250	2700 SNELLING AVENUE NORTH ROSEVILLE, MN 55113
002	000029	ALLTRAN FINANCIAL, LP	PO BOX 610 SAUK RAPIDS, MN 56379
018	000040	AMERICREDIT FINANCIAL SERVICES PO BOX 183853	ATTN: OFFICER /DBA: GM FINANCIAL ARLINGTON, TX 76096
018	000007	AMERICREDIT FINANCIAL SERVICES PO BOX 183853	ATTN: OFFICER /DBA: GM FINANCIAL ARLINGTON, TX 76096
035	000041	AMERICREDIT FINANCIAL SERVICES PO BOX 183853	ATTN: OFFICER /DBA: GM FINANCIAL ARLINGTON, TX 76096
025	000024	PHARMONIX LAB LP	10700 STANCLIFF ROAD HOUSTON, TX 77099
032	000028	USAA CREDIT CARD SERVICES	PO BOX 65020 SAN ANTONIO, TX 78265-5020
013	000020	DISCOVER CARD	PO BOX 30943 SALT LAKE CITY, UT 84130
009	000004	JPMORGAN CHASE BANK, N.A. P.O. BOX 29505 AZ1-1191	NATIONAL BANKRUPTCY DEPARTMENT PHOENIX, AZ 85038-9505
009	000042	JPMORGAN CHASE BANK, N.A. P.O. BOX 29505 AZ1-1191	NATIONAL BANKRUPTCY DEPARTMENT PHOENIX, AZ 85038-9505
021	000032	LVNV FUNDING, LLC	625 PILOT ROAD, STE 2/3 LAS VEGAS, NV 89119
800	000008	US BANK TRUST 323 5TH STREET	C/O SN SERVICING CORP EUREKA, CA 95501
801	000009	US BANK TRUST 323 5TH STREET	C/O SN SERVICING CORP EUREKA, CA 95501
802	000010	US BANK TRUST 323 5TH STREET	C/O SN SERVICING CORP EUREKA, CA 95501
803	000045	US BANK TRUST 323 5TH STREET	C/O SN SERVICING CORP EUREKA, CA 95501

47 NOTICES

THE ABOVE REFERENCED NOTICE WAS MAILED TO EACH OF THE ABOVE ON 10/01/2019.
 I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.
 EXECUTED ON 10/01/2019 BY /S/EPIQ Systems, Inc.